

Response to Notice of Non-Compliant Amendment

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Serial No.: 10/646,545

Confirmation No.: 9714

Filed: August 21, 2003

For: MEDICAL LEAD CONNECTOR SYSTEMS WITH ADAPTERS (as amended)

Remarks

The Office Action of December 19, 2008 has been received and reviewed. In this response, claims 1, 2, 6, and 11-13 have been amended, claims 14-15 have been canceled (without prejudice), and claims 16-22 have been added. Therefore, claims 1-6, 11-13, and 16-22 are pending. Reconsideration and withdrawal of the rejections are respectfully requested as discussed herein.

Specification Amendment

The title portion of the specification has been amended herein. Entry and consideration of this specification amendment are respectfully requested.

Claim Amendments

Claims 1, 11, and 13 have been amended to clarify elements of the claims and interconnections between those elements. Support for these amendments may be found in the application as filed at, e.g., *Specification*, paragraphs [0018]-[0022]; Figures 1-7. Further, the other claims have been amended to correct for other formalities and grammar.

Entry and consideration of these claim amendments are respectfully requested.

New Claims

New claims 16-22 have been added to provide more comprehensive coverage of Applicants' invention. Support for these new claims may be found in the application as filed at, e.g., *Specification*, paragraphs [0018]-[0022] & [0025]-[0027]; Figures 1-10.

Entry and consideration of these new claims are respectfully requested.

The 35 U.S.C. § 112, Second Paragraph, Rejection

Claim 15 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

Applicants regard as the invention. This rejection is respectively traversed. Claim 15, however, has been canceled herein rendering this rejection moot.

Reconsideration and withdrawal of this rejection are respectfully requested.

The 35 U.S.C. § 102 and § 103 Rejections

Claims 1-4, 6, 11-13, and 15

Claims 1, 3-4, 6, 11-13, and 15 were rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over, Pohndorf et al. (U.S. Patent No. 4,628,934).

Claim 2 was rejected under 35 U.S.C. § 103(a) as being obvious over Pohndorf et al.

These rejections are respectfully traversed.

Pohndorf et al.

Pohndorf et al. describes a hermetically-sealed pacer. The pacer includes a pacer neck having two identical lead sockets to receive two identical adapters. Each of the adapters is configured to receive multi-electrode pacer leads. *See Pohndorf et al.*, column 1, lines 9-11; column 5, lines 22-27; column 9, lines 32-46; and Figures 4-7.

Pohndorf et al. fails to teach each element of claims 1-4, 6, & 11-13

Independent claims 1, 11, and 13 recite, among other things, a first adapter and a second adapter. Each of the first and second adapters includes an internal surface forming a lumen to receive a lead connector and one or more electrical contact elements. Further, at least one electrical contact element of the one or more electrical contact elements of the first adapter is located in a different location along the internal surface thereof than the one or more electrical contact elements of the second adapter.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *See* M.P.E.P. § 2131.

To establish a *prima facie* case of obviousness, there must be a finding that the prior art included each element claimed, although not in a single prior art reference. *See* M.P.E.P. § 2143.

Pohndorf et al. does not teach each element of claims 1-4, 6, and 11-13 as required for anticipation and *prima facie* obviousness. For example, nothing has been identified by the Office Action within the disclosure of Pohndorf et al. that teaches at least one electrical contact element of the one or more electrical contact elements of the first adapter that is located in a different location along the internal surface than the one or more electrical contact elements of the second adapter as recited in independent claims 1, 11, and 13. Instead, each identical adapter 316 of Pohndorf et al. includes connector rings located at the same locations along socket 321.

For at least these reasons, Applicants submit that Pohndorf et al. fails to teach each claim element of independent claims 1, 11, and 13 as required for anticipation and *prima facie* obviousness.

Furthermore, because claims 2-4, 6, and 12 are directly or ultimately dependent on independent claims 1, 11, or 13, claims 2-4, 6 and 12 are also novel and nonobvious over Pohndorf et al. for the same reasons as presented above for independent claims 1, 11, and 13. Moreover, such claims contain recitations that further support patentability.

For example, nothing has been identified within the disclosure Pohndorf et al. that teaches a lead connector including a plurality of sealing rings positioned distal to the plurality of connector elements, a first sealing ring of the plurality of sealing rings positioned proximal to the connector ring and a second sealing ring of the plurality of sealing rings positioned distal to the connector ring as recited in claim 4.

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Claim 5

Claim 5 was rejected under 35 U.S.C. §103(a) as being obvious over Pohndorf et al. in view of Peers-Trevarton (U.S. Patent No. 4,469,104). This rejection is traversed.

It has been admitted in the Office Action that Pohndorf et al. fails to disclose protrusions for each contact element and Peers-Trevarton has been provided to remedy this deficiency. *See Office Action*, Dec. 19, 2008, page 6.

Peers-Trevarton, however, fails to remedy the deficiencies already presented above with respect to independent claim 1, from which dependent claim 5 is directly dependent. Therefore, because claim 5 is directly dependent on independent claim 1, claim 5 is at least, for example, nonobvious over Pohndorf et al. in view of Peers-Trevarton for the same reasons as presented above for independent claim 1.

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Summary

It is respectfully submitted that the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives at the telephone number listed below if it is believed that prosecution of this application may be assisted thereby.

The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

Date: May 13, 2009

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